| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 09/904,734 | 07/13/2001 | Debasish Banerjee | ROC920010101US1 | 3372 |

| 7590 | 12/08/2005 |
|---|---|

IBM Corporation
Intellectual Property Law, Dept. 917
3605 Highway 52 North
Rochester, MN 55901-7829

| EXAMINER |
|---|
| NGUYEN BA, PAUL H |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2176 | |

DATE MAILED: 12/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| *Advisory Action*<br>*Before the Filing of an Appeal Brief* | Application No.<br>09/904,734 | Applicant(s)<br>BANERJEE ET AL. |
| --- | --- | --- |
| | Examiner<br>Paul Nguyen-Ba | Art Unit<br>2176 | |

*--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

THE REPLY FILED <u>22 November 2005</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

     Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

     NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.

6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: \_\_\_\_\_.

   Claim(s) objected to: \_\_\_\_\_.

   Claim(s) rejected: <u>1-27</u>.

   Claim(s) withdrawn from consideration: \_\_\_\_\_.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:

   <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_

13. ☐ Other: \_\_\_\_\_.

HEATHER R. HERNDON<br>
SUPERVISORY PATENT EXAMINER<br>
TECHNOLOGY CENTER 2100

Continuation of 11. does NOT place the application in condition for allowance because: Veditz, in view of Watanabe, teach the limitations as presently presented in recited independent claim language of claims 1 and 16, without reading limitations of the specification into the respective claims.

Specifically, as previously discussed in the Final Office Action, Veditz teaches the method and system of determining character sets (see Abstract): comprising at least one of:

(a) selecting a character set for a client request from a client to a server, the selecting comprising:
determining whether the client request includes a request character set designation (Fig. 3A – 303 → checks LDID in data file (i.e. stored in header file); Fig. 2C → file header);
if the client request does not include the request character set designation, retrieving locale information contained in the client request (Fig. 3B → compares LDID of data file to Active LDID; see also col. 3, lines 29-31); and
associating the locale information with the request character set designation using mapping data located on the server (Fig. 2B → if Active LDID is not equal to Local LDID it maps the Local LDID into the Active LDID; see also col. 3, lines 54-60; col. 7, lines 52-64; col. 18, lines 21-26); and
(b) selecting a response character set for a server response from the server to the client, the selecting comprising:
determining whether the server response includes a response character set designation (Fig. 3A – 303 → checks LDID in data file (i.e. stored in header file); Fig. 2C → file header);
if the server response does not include the response character set designation, retrieving locale information contained in the server response (Fig. 3B → compares LDID of data file to Active LDID; see also col. 3, lines 29-31); and
associating the locale information contained in the server response with the response character set designation using the mapping data (Fig. 2B → if Active LDID is not equal to Local LDID it maps the Local LDID into the Active LDID; see also col. 3, lines 54-60; col. 7, lines 52-64; col. 18, lines 21-26).

Veditz does not specifically teach "client-server communications" (requests, etc.), including using a network communication protocol. However, Watanabe teaches a method and system for developing and testing internationalized software including a multibyte English locale directed to a network communication protocol for the purpose of more efficiently transferring locale information over computer networks (see col. 5 lines 34-46, col. 6 lines 8-28).
      Since Veditz and Watanabe are both from the same field of endeavor, the purposes disclosed by Watanabe would have been recognized in the pertinent art of Veditz. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of Veditz with the teachings of Watanabe to include client-server communications, including using a network communication protocol for the purpose of more efficiently transferring locale information over computer networks.


Applicant contends that Veditz does not teach using information from a client request.


      Examiner agrees with Applicant insofar as Veditz does not explicitly teach using information from a client request. However, Examiner points out that this limitation was rendered obvious with the addition of the Watanabe reference as discussed in the previous office action.
      As previously discussed, Watanabe teaches a method and system for developing and testing internationalized software including a multibyte English locale directed to a network communication protocol for the purpose of transferring locale information over computer networks (see col. 5 lines 34-46, col. 6 lines 8-28).
      It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of Veditz with the teachings of Watanabe to include client-server communications, including using a network communication protocol for the purpose of transferring locale information over computer networks - since a network is fundamentally and inherrently a client/server architecture for sending and receiving information.

Applicant lastly contends that Veditz does not teach "determining whether a client request includes data; rather, Veditz teaches a mere comparison of data…" that is not retrieved from a data object.

      Examiner respectfully disagrees. As shown in Figs. 2C and 3A – 303, Veditz teaches checking for identifier data stored in the header (or at any location) of the data file (see also col. 16 lines 51 –63). It is only after determining that no identifier data exists, that a comparison of data takes place. Therefore, Veditz, in view of Watanabe, does teach "determining whether a client request includes data".

PNB
11/30/2005